United States Court of Appeals

for the

District of Columbia Circuit

TRANSCRIPT OF RECORD

BRIEF FOR APPELLANT

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 18,258

CAROLYN P. MULLEN

Appellant

v.

DONALD D. BREWER
Director,
Department of Public Welfare

Appellee

714

Appeal from Judgment of the United States
District Court for the District of Columbia

ALLAN FISHER
Attorney for Appellant
805 G St., NW
Washington 1, D. C.

QUESTION PRESENTED

The question is whether the appellant herein became ineligible for aid to the blind under the provisions of the Public Assistance Act of 1962 made applicable to the District of Columbia because of absence from the District during the 12-month period immediately preceding her application for public assistance. The statute appears in Code D. C. (1961 ed.) Supplement II 1963, Chapter 2, sec. 3-201 and contains the following material provision in sec. 3-203: "Public assistance shall be awarded to or on behalf of any needy individual who...(a) has resided in the District for one year immediately preceding the date of filing his application for such assistance;..."

SUBJECT INDEX

Table of Cases

Code References

Code, D.C. (1961)ed.) sec. 47-1551(c)
sec. 47-1630(q)
sec. 16-210(b)(1)
Code, D.C. (1951 ed.) sec. 3-110

Statute

Public Assistance Act of 1962, Code, D.C. (1961 ed.), Supplement II 1963, Ch. 2, sec. 3-201 et seq.

Regulations

Dept. of Public Welfare Regulation #4.11, effective Dec. 1, 1962 and to the same effect

Public Assistance Manual Part II 231.121
Manual Part III 231.125

Miscellaneous

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 18,258

CAROLYN P. MULLEN — *Appellant*

v.

DONALD D. BREWER
Director,
Department of Public Welfare — *Appellee*

Appeal from Judgment of the United States
District Court for the District of Columbia

BRIEF FOR APPELLANT

JURISDICTIONAL STATEMENT

This is an appeal from a final judgment of the United States District Court for the District of Columbia wherein the trial judge on October 24, 1963, found for the defendant and against the plaintiff as to a Complaint for Judicial Review of the decision of

the Director of Public Welfare in denying plaintiff's application for public assistance under the Public Assistance Act of 1962 Code D. C. (1961 ed.) Suppl. II 1963, Ch. 2, sec. 3-201 et seq. The trial Court had jurisdiction by virtue of Code (D.C.) 1961 ed. sec. 11-306. Jurisdiction of this Court is derived from Title 28, U. S. Code Annotated sec. 1291, and Rule 73 of the Federal Rules of Civil Procedure. Notice of Appeal was filed on November 5, 1963.

STATEMENT OF CASE

The appellant, Carolyn P. Mullen (plaintiff below), on April 1, 1963, made application to the Public Assistance Division of the Department of Public Welfare for financial grants under the category "Aid to the Blind." This application was denied on April 18, 1963, for the stated reason that the appellant did not meet the residence requirements for public assistance in the District of Columbia in that she had not resided in the District for one year immediately preceding the date of filing her application for assistance.

After appeal from this denial, a Hearing was held before a Hearing Officer of the Welfare Department on May 16, 1963. Thereafter on June 20, 1963, the Hearing Officer upheld the action of the Welfare Department's Public Assistance Division. And on July 12, 1963, the then Acting Director (now Director) of the Department of Public Welfare affirmed the conclusions of the Hearing Officer.

Throughout the administrative process, which was duly exhausted, appellant contended that she is a resident of the District of Columbia and in fact traced her residence here from 1948 up to the present time.(1) Further, that intermittent trips to New York City represented only temporary periods of absence from the District without destroying her status as a resident of the District for the required one year period immediately preceding the date of filing her application for assistance as a needy individual.

The Department of Public Welfare rejected this contention whereupon action was commenced in the District Court in order to obtain a construction of the statutory phrase "resided in the District" appearing in the Public Assistance Act of 1962 and referred to in the welfare regulations.

At the District Court level this issue was resolved by the Court in favor of the defendant upon hearing of a motion for summary judgment filed by plaintiff and a similar motion filed by the defendant.

STATUTE INVOLVED

The Public Assistance Act appears in Code, D. C. (1961) Edition Supplement II (1963), enacted October 15, 1962, sec. 3-2[illegible] et seq. and particularly sec. 3-203 of which the pertinent provision is as follows:

---

(1) Transcript of Testimony, p. 26.

"Public assistance shall be awarded to or on behalf of any needy individual who . . . (a) has resided in the District for one year immediately preceding the date of filing his application for such assistance."

STATEMENT OF POINTS

The only point raised on this appeal is appellant's contention that the trial court erred in entering a final judgment against her and for the defendant under circumstances where the appellant claimed to be eligible for public assistance as a needy individual residing in the District of Columbia and the defendant rejected that claim because of purported failure to meet the residence requirements of a welfare recipient in this District; that is to say, that she failed to reside in the District for one year immediately preceding the date of filing her application for assistance under the category "Aid to the Blind."

SUMMARY OF ARGUMENT

Appellant made application to the Public Assistance Division of the Department of Public Welfare as a needy individual requiring public assistance under the category "Aid to the Blind." Her application was rejected because she purportedly did not meet the residence requirement applicable to such requests for financial aid. The basis of the unfavorable action was grounded upon appellant's failure to have resided in the District of Columbia for

one year immediately preceding the date of filing her application. In this connection, residence was construed by the Welfare Department as involving physical absence from the District and the establishment of a pattern of living in another jurisdiction during the critical one-year period without reference to intent to retain one's residence in the District.

Appellant contended that her absences from the District were only of a temporary character without intention, however, of thereby discontinuing her residence here. In short, her point of view was to the effect that the word "resided" in a welfare case is equivalent to domicile and does not mean merely physical absence plus the pattern-of-living factor. This interpretation was rejected at the administrative agency level and later at the District Court level. Consequently, a review of the lower Court's decision is sought in this Court.

ARGUMENT

The single issue involves an interpretation of the phrase "resided in the District" appearing in the Public Assistance Act and construed in the Regulations of the Department of Public Welfare.

Appellant contends that "resided in the District" in a welfare case means residence in the sense of domicile.

Drawing first upon case law, we find for instance in the area

of naturalization involving construction of the phrase "residing in the United States" in a deportation case, Kristensen v. McGrath, 86 US Appeals 48, 179 Fed. 2nd 796, 801 (1949) that the court observed (Bazelon, J.) that residence is not a term of fixed legal definition but takes on shades of meaning according to the statutory framework in which it is found and, as the court further observed, the question to be determined in each case is governed by a person's intention, acts, declarations, element of choice, nature of stay, etc. (The case itself was affirmed in 71 Supreme Court Reporter 224 (1950).

In the areas of divorce, taxation and adoption, residence is said to be equivalent to domicile. Stewart v. Stewart, 87 US Appeals 358, 185 Fed. 2nd 436 (1950) as to divorce; Code, D. C. (1961 ed.) sec. 47-1551 (c) and also sec. 47-1630 (q) and Sweeney v. D. C. 113 Fed. 2nd 25, 28 (1940) as to taxes; and Code sec. 16-210 (b) (1) as to adoption.

Now what of the statutory framework within which to ascertain meaning? The Public Assistance Act does not specifically define the phrase "resided in the District" nor does the history of the legislation relating to this statute provide help; so one must look for a clue in prior legislation on the subject.

Code D. C. (1951 ed.) sec. 3-110 in describing the powers of the Board of Charities, the predecessor of the Department of Public Welfare, refers to eligible recipients of charity as "legal

residents," a phrase which is undoubtedly equivalent to domicile.

It may well be that Congress having once made clear that legal residents of this community were to be cared for in charity cases, subsequent use of a term like "resided" in a later statute (the Public Assistance Act) made unnecessary a reiteration of the meaning of "resided" or resident.

In State jurisdictions, however, there has been some diversity of opinion on the subject of poor law cases. Today States such as Minnesota and North Dakota appear to construe the word "residence" in welfare cases in its restricted sense of physical presence whereas States such as Illinois, Massachusetts, Vermont and Wisconsin refer to the word as denoting a more permanent habitation, or domicile, which traditionally couples physical presence with intent.

In People v. Lyons, 374 Illinois 557, 30 NE 2nd 46 (1940) the constitutionality of the public relief law was challenged by petitioners. While the court upheld the constitutionality of the legislation, it indicated that if petitioners had included a claim for relief under the statute - which they did not - some of the petitioners would seem to have qualified. At any rate, the court pointed out that temporary departure from a jurisdiction to seek work and actually working outside of the relief jurisdiction did not destroy residence. The court stated that residence meant the town or community in which the applicant made his permanent

home and that residence was largely a matter of intention. Further, that residence for a period of three years immediately preceding an application for relief as required by the Illinois statute did not mean that an applicant must actually reside each day during the prescribed period in the governmental unit in order to be eligible for relief.

In Wing Memorial Hospital Association v. Town of Randolph, 120 Vermont 277, 141 Atl. 2nd 645 (1957), an elderly lady of 83 years, while visiting her son in Massachusetts, fell and injured her right hip. She thereupon entered the hospital in the son's community. Later, when the hospital association billed the Town of Randolph in Vermont, the medical charges were rejected. An issue as to the lady's residence arose. The court held that the lady's residence was in Vermont and not in Massachusetts. Residence in that case was equated with domicile.

In any event, since in this District a welfare case involving the definition of residence appears not as yet to have been decided, it is appropriate to learn how the American Law Institute has dealt with the question. In its volume on Conflict of Laws, sec. 9 (e), the Institute has taken the position that "in statutes relating to gaining a settlement under the poor law... residence means domicile...unless the contrary is indicated in the statute."

The Public Assistance Act applicable to this District does

not express any policy contrary to the meaning of residence as defined above.

We turn now to appellant's situation. On April 1, 1963, she made application to the Public Assistance Division of the Department of Public Welfare for financial help under the category "Aid to the Blind." Within a short time thereafter that application was rejected because appellant (applicant) purportedly failed to meet the residence requirements of this District's Public Assistance Act. On May 16th, a Hearing Officer of the Department heard appellant's administrative appeal. At this point it is well to pause in order to review appellant's testimony as it appears in the Transcript of Testimony.[2]

On direct examination appellant disclosed her comings and goings from the year of her first arrival in the District in 1948 up to the date of the Hearing itself. That testimony indicates that she had established roots in this community with subsequent departures from the District only for relatively short periods. One is compelled to note that like a homing pigeon appellant always winged her way back to Washington.

It is important further to consider appellant's motives for traveling to New York City, which was her usual destination on occasions of absences from the District. They are at the very least plausible: to seek work, to obtain better medical service

---

(2) pp. 25 et seq.

for her sick infant son, to keep the children going to school - in New York for the time being - pending the time when appellant could return to the District, endeavoring to attend to her deceased father's effects there, an unanticipated hospitalization experience as to herself which prevented return to the District for a number of months, and so on.

These motivations, however, made no impression upon the Public Assistance Division. All that could be recognized apparently was (a) the fact of absence from the District during the critical 12-months period, although she was in the District again in the Spring of 1962;(3) (b) her rental of an apartment in New York City (the premises of her deceased father), (c) obtaining work for a short period, (d) the use of some of New York's public services and, in short, as the Public Assistance Division labeled it, the establishment of a normal pattern of living there and that is all. Intention to return as evidenced by (a) retention of a furnished apartment in this District, (b) maintaining storaged goods here, (c) her round-trip bus ticket, and (d) declarations of intent carried no weight it seems.

The error of administrative practice is to be found in the point of view which the former Director of Public Welfare adopted when he issued regulations still in force and effect defining residence in the restricted sense of required physical presence

---

(3) Transcript of Testimony, p. 36.

in the community - intent having nothing to do with the matter.

Appellant reiterates her position that so long as she had once established herself as a resident of the District of Columbia, as she did, she ought not easily to be permitted to lose that status unless one could point to clear and satisfactory evidence of her abandonment of that status. To do this one must take into account the total circumstances surrounding this appellant in terms of her actions, her motivations, her continued relationships to the District of Columbia, and so on.

The provisions of the statute reveal a spirit of benevolence toward needy individuals of this District, although with due regard for inhibiting a potential influx of persons from other jurisdictions intent upon abusing the generosity of the District's policy toward its own underprivileged people. To treat the appellant, however, as an interloper has no adequate legal basis whatsoever.

Lastly, it is respectfully urged that the judgment appealed from should be reversed.

ALLAN FISHER
Attorney for Appellant

A copy of this brief served by mail this _____ day of _____ 1963 upon Robert R. Redmon, Assistant Corporation Counsel, for the District of Columbia, District Building, Washington 4, D.C.

_____
ALLAN FISHER
Attorney for Appellant

BRIEF FOR APPELLEE

UNITED STATES COURT OF APPEALS
For The District Of Columbia

No. 18,258

CAROLYN P. MULLEN,

Appellant,

v.

DONALD D. BREWER, Director,
Department of Public Welfare, D. C.,

Appellee.

Appeal From The United States District Court
For The District Of Columbia

CHESTER H. GRAY,
Corporation Counsel, D. C.
MILTON D. KORMAN,
Principal Assistant
Corporation Counsel, D. C.
HUBERT B. PAIR,
Assistant Corporation
Counsel, D. C.
RICHARD W. BARTON,
Assistant Corporation
Counsel, D. C.,
Attorneys for Appellee,
District Building,
Washington 4, D. C.

QUESTION PRESENTED

The question presented is correctly stated by appellant.

I N D E X

Page

SUBJECT INDEX

CASES CITED

DISTRICT OF COLUMBIA CODE, 1961, CITED

OTHER AUTHORITIES CITED

UNITED STATES COURT OF APPEALS
For The District Of Columbia

No. 18,258

CAROLYN P. MULLEN,

Appellant,

v.

DONALD D. BREWER, Director,
Department of Public Welfare, D. C.,

Appellee.

Appeal From The United States District Court
For The District Of Columbia

BRIEF FOR APPELLEE

COUNTER-STATEMENT OF THE CASE

On April 1, 1963, appellant, Carolyn Phillips Mullen, pursuant to the District of Columbia Public Assistance Act of 1962, [1] made application [2] to the District of Columbia Department of Public

---

[1] D. C. Code, Supp. II, 1963, §§ 3-201 - 3-223.

[2] § 3-205.

Welfare for public assistance under the category "aid to the blind." [3] An investigation respecting her eligibility was made, [4] following which she was informed that, under the Act [5] and the regulations promulgated pursuant thereto, [6] she did "* * * not meet the residence requirements for Public Assistance in the District of Columbia." [7]

Appellant, through counsel, thereafter requested and on May 16, 1963, was afforded a hearing [8] (the fairness and sufficiency of which are not challenged), following which appellee, Director of the Department of Public Welfare, sustained the denial of appellant's application. [9]

Alleging that appellee's denial of her application was based upon a misconstruction of the applicable law, appellant then filed in

---

[3] § 3-202 (a) (2).

[4] § 3-207.

[5] § 3-203.

[6] § 3-202 (b) (2); exhibit "A" to appellee's motion for summary judgment.

[7] Exhibit "A" to appellant's complaint.

[8] § 3-214.

[9] Exhibit "B" to appellant's complaint.

the court below a complaint seeking judicial review of appellee's determination that she did not meet the residence requirements for public assistance. Portions of the administrative record, including a stenographic transcript of the hearing afforded appellant, were attached as exhibits to the complaint.

Cross-motions for summary judgment were thereafter filed. In their respective motions, and accompanying statements under the lower court's Rule 9 (h), both appellant and appellee agreed that there existed no genuine issue of material fact to be litigated and that the sole question presented was whether, upon the administrative record, appellee had correctly determined that appellant did not meet the residence requirements for public assistance. Following a hearing, the District Court, upon consideration of the pleadings and the administrative record, denied appellant's motion, granted appellee's motion, and dismissed appellant's complaint. This appeal, in forma pauperis, followed.

The Evidence

The transcript of the administrative hearing afforded appellant [10] reflects, in substance, the following:

---

[10] Exhibit "C" to appellant's complaint.

From about 1916 until 1948, when appellant came to the District of Columbia to seek employment, she lived in New York City with her father (Tr. 18-19). From 1948 until August 1961 (with the exception of about 13 months [11]) appellant lived at various addresses in the District of Columbia (Tr. 19-23). During her stay in the District of Columbia, appellant made frequent visits of several weeks duration or longer to her father's home in New York (Tr. 9, 19-22, 36).

In August 1961, appellant moved with her two minor children [12] to the New York apartment at 402 East 69th Street where her father had previously lived for more than 25 years [13] (Tr. 7-8, 25). Appellant continued to live in New York until March 1963 when she returned to the District of Columbia, [14]

---

[11] See Mullen v. United States, 105 U. S. App. D. C. 25, 263 F. 2d 275 (1958).

[12] See In re Mullen, D. C. Mun. App., 144 A. 2d 919 (1958).

[13] Her father had died in March 1959, but appellant (or sometimes her half sister or half brother in her name) had thereafter continued to regularly pay the monthly rental of $32.20 for the apartment (Tr. 6, 8-9, 15-16, 30-31, 42-44).

[14] During the 19-month period appellant lived in New York, she made one short visit to the District of Columbia, but it is not clear from the record when this occurred. At one point, in answer to leading questions by her counsel, appellant said this was in the

and a few days later, on April 1, 1963, applied to the District of Columbia Department of Public Welfare for public assistance (Tr. 28, 39-40).

Appellant said that her purposes in moving to New York in August 1961 were to seek employment, to obtain better medical care for her ailing son, and to " * * * establish myself as a legally blind person" (Tr. 24).

While residing in New York, appellant obtained employment for about three months as superintendent of the apartment house where she lived (Tr. 8-9, 25). She also worked at " * * * selling things on the street with a license" (Tr. 3, 26). Her children attended St. Kathrine's Parochial School in New York and appellant obtained public assistance, including extended periods of hospitalization, both for herself and her children there (Tr. 3, 7-8, 10, 27-29).

In response to leading questions by her counsel, appellant stated that she considered the District of Columbia her " * * * permanent, established home" and that, had she realized

---

spring of 1962 (Tr. 26). Appellant also testified, however, that her trip to the District immediately preceded her discharge as superintendent of the apartment house where she lived (Tr. 26-27), an event which occurred on November 20, 1961 (Tr. 9).

her moving to New York would adversely affect her eligibility for public assistance in the District of Columbia, she wouldn't even have considered it (Tr. 22-23).

During her stay in New York, appellant continued to maintain an apartment at 413 East Capitol Street in the District of Columbia for which a friend, Mr. William Parry, from April 1962 through February 1963 paid the monthly rental of $47.50 (Tr. 37-39).

SUMMARY OF THE ARGUMENT

The plain language of the District of Columbia Public Assistance Act of 1962, its purposes as reflected in its legislative history, and its consistent administrative interpretation, all compel the conclusion that appellant's continued absence from the District of Columbia for the 12-month period immediately preceding her application rendered her ineligible for public assistance.

Appellant's argument that the Congress intended to make domicile rather than residence in the District of Columbia for one year the criterion for eligibility for public assistance is clearly negated by the plain language of the Act. Moreover, the interpretation for which appellant contends, contrary to the stated congressional

intendment to simplify and liberalize eligibility requirements, would, of necessity, render ineligible for public assistance all those many thousands of long-time District residents who, for voting or other purposes, have continued to maintain domiciles in their "home" states. Indeed, the adoption of such a construction would so emaciate the Act as to substantially annul its purposes and destroy its effectiveness. Clearly, this could not have been the intention of Congress, but such a result necessarily follows the acceptance of appellant's argument.

ARGUMENT

Upon the administrative record, appellee correctly concluded that appellant did not meet the residence requirements for public assistance in the District of Columbia.

It is undisputed that from August 1961 until March 1963 appellant lived in New York City where she rented an apartment, obtained employment, entered her children in school, received public assistance, and generally established a normal pattern of living there.

Appellee and appellant agree that the sole question presented is whether, in light of the above, appellant, on April 1,

1963, when she applied to the District of Columbia Department of Public Welfare for public assistance, had " * * * resided in the District for one year immediately preceding h[er] application for such assistance," as required by the District of Columbia Public Assistance Act of 1962 (D. C. Code, Supp. II, 1963, §3-203) and by the regulations " * * * necessary or desirable to carry out the provisions of * * *" The Act promulgated by the Commissioners under the authority of §3-202 (b) (2).

Such regulations provide, in part, that residence for the purpose of eligibility for public assistance may be gained " * * * by living in the District for one year immediately preceding the application" (§ IV A 2c); that residence " * * * may be lost by absence from the District of 12 months or more * * *" (§ IV B); but that " * * * temporary absences from the District during the year preceding application shall not preclude eligibility to receive assistance if otherwise eligible" (§ V). The complete text of the regulations is attached as exhibit "A" to appellee's motion for summary judgment.

Appellant argues that, contrary to the plain language of the Act and its admittedly consistent administrative construction, the Congress intended that domicile and not residence in the District

of Columbia be the criterion for eligibility for public assistance. In support of her argument, appellant cites various instances in which "residence" has been defined by statute or judicially construed to be the equivalent of "domicile." However, in at least as many instances, if not more, "residence" and "domicile" have been distinguished and held not to be synonymous terms.[15] Moreover, as appellant herself points out in her brief (p. 6), "* * * residence is not a term of fixed legal definition but takes on shades of meaning according to the statutory framework in which it is found * * *." Accordingly, statutory definitions or judicial constructions of "reside," "resided," "resident," or "residence," as used in statutes relating to deportation, divorce, taxation, adoption, etc., are in no sense controlling or even persuasive here, whether such terms are defined or construed to be synonymous with or to be distinguishable from "domicile." Nor are decisions construing the terms "reside," etc., as used in other public assistance statutes, particularly helpful here, for such decisions, of course, turned upon the provisions and purposes of the respective statutes involved and the context in which such

---

[15] See the many cases collected in Words and Phrases under Residence, pp. 339-352, and 1963 Supp., pp. 30-31; also, 28 C. J. S., Domicile, § 2.

terms were employed therein. Furthermore, such decisions usually concern controversies between political subdivisions of a State as to which is responsible for the care of a particular indigent, a question clearly not presented here. Cf., e.g., Carlton v. State Department of Public Welfare (1956), 74 N. W. 2d 340, 271 Wisc. 465; Ebelt v. Ebelt (1961), 172 A. 2d 363, 103 N. H. 369; County of Beltrami v. County of Hennepin (1963), 119 N. W. 2d 25, ____ Minn. ____.

In the final analysis, what the Congress meant by "resided" as here used must be determined from " * * * the context in which the word occurs, upon its connotation as revealed by the other words which accompany it, and upon the purpose of the enactment in which it appears. [Footnote omitted.]" District of Columbia v. Fleming (1954), 95 U. S. App. D. C. 4, 6, 217 F. 2d 18, 20.

Surely, if the Congress had here intended "resided in the District" to mean "domiciled in the District," it could, and undoubtedly would, have used the latter term rather than the former or, at the very least, have defined "resided" to mean "domiciled" as it has in other instances.[16] But plainly it did

---

[16] See, e.g., D. C. Code, 1961 §§ 47-1551 c(s), 47-1628 (g).

neither. Nor, as appellant notes in her brief (pp. 6-7), did the Congress here, as it did in much earlier (now repealed) legislation, use the term "legal residents" in reference to those persons eligible for public assistance. In short, it must be manifest that the Congress deliberately used the term "resided" in order to clearly convey its intention that the Act should be construed exactly as appellee has construed it.

As shown by its legislative history, one of the primary purposes of the Act was to clarify, simplify and liberalize (as well as to make more uniform) the residence requirements for the various categories of public assistance.[17] The question of where a person is domiciled, controlled, as it is, in large measure by his intentions, is a matter frequently most difficult of resolution, as the innumerable decisions which have struggled with the question amply demonstrate. Clearly then, the Congress could not reasonably have intended that the lay officials charged with the administration of the Act should be required to attempt a resolution to this thorny legal question in order to ascertain an applicant's eligibility for public assistance. On the contrary, the only reasonable

---

[17] See Senate Report No. 844, 87th Cong., 1st Sess.; House of Representatives Report No. 2447, 87th Cong., 2d Sess.

construction possible, especially in light of the above-stated purposes of the Act, is that the Congress intended that an applicant's eligibility be determined by whether he had "resided [i.e., lived] in the District for one year immediately preceding his application," a matter comparatively easily and quickly ascertainable.

But the point which militates most strongly against appellant is that acceptance of the construction of the Act urged by her would render thousands upon thousands of long-time residents of the District of Columbia ineligible for public assistance, a construction which plainly should not be adopted unless manifestly compelled.

It is a matter of such common knowledge that this Court may take judicial notice thereof that great numbers of persons, who have resided in the District of Columbia for many, many years, including most District and Federal employees, have retained a domicile (for voting and other purposes) in their "home" States, to which they eventually intend to return. If then, as appellant urges, the Congress intended to make domicile rather than residence the criterion for eligibility for public assistance in the District of Columbia, all such persons, regardless of how many years they had resided here, would be excluded from

eligibility until one year after they had changed their domicile from their "home" State to the District of Columbia.[18] That this could not have been the intention of the Congress must be apparent both from the language used and from the legislative history of the Act. As previously noted, one of the purposes of the Act was to simplify and liberalize the residence requirements for the various categories of public assistance, a purpose which the construction of the Act urged by appellant would manifestly defeat.

---

[18] A person may, of course, have but one domicile.

CONCLUSION

Upon the foregoing, it is respectfully submitted that the judgment of the court below is in all respects correct and in accordance with the law and should, accordingly, be affirmed.

CHESTER H. GRAY,
Corporation Counsel, D. C.

MILTON D. KORMAN,
Principal Assistant
Corporation Counsel, D. C.

HUBERT B. PAIR,
Assistant Corporation
Counsel, D. C.

RICHARD W. BARTON,
Assistant Corporation
Counsel, D. C.

Attorneys for Appellee,
District Building,
Washington 4, D. C.